

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

Whereas, the budget management system contains financial information important to the review and analysis of budgets in State Government; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §1667-A is enacted to read:

§1667-A. Access to budget management system data

Notwithstanding any other provision of law, the State Budget Officer shall provide the Office of Fiscal and Program Review with electronic access, including report-writing capabilities, to those aspects of the budget management system presently referred to as the "budget analyst tool," except for those specific aspects of the system involved in budget recommendations that have been made or are being considered by the Governor or Governor-elect but have not yet been transmitted to the Legislature. For purposes of this section, "budget management system" and "budget analyst tool" include information used by the Bureau of the Budget to develop, analyze and review budgeted and actual revenue and expenditure information.

Notwithstanding any other provision of law, the Legislative Council shall provide the Bureau of the Budget, upon the bureau's request, with enacted budget bills in a data processing form that permits the electronic conversion of data to the budget management system.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 18, 1995.

CHAPTER 42

H.P. 151 - L.D. 199

An Act Concerning the Competitive Bidding Process in Cooperative Projects between the State and the Maine Technical College System

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §1825-B, sub-§2, ¶E, as enacted by PL 1989, c. 785, §2, is amended to read:

E. The purchase is part of a cooperative project between the State and the University of Maine System or the Maine Technical College System involving:

- (1) An activity assisting a state agency and enhancing the ability of the university system or technical college system to fulfill its mission of teaching, research and public service; and
- (2) A sharing of project responsibilities and, when appropriate, costs; or

See title page for effective date.

CHAPTER 43

H.P. 45 - L.D. 39

An Act to Require an Endorser's Authorization for a Candidate To Use an Endorsement

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §1014-A is enacted to read:

§1014-A. Endorsements of political candidates

1. Definition. For purposes of this section, "endorsement" means an expression of support for the election of a clearly identified candidate by methods including but not limited to the following: broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails or other similar types of general public political advertising or through computer networks, flyers, handbills, bumper stickers and other nonperiodical publications.

2. Authorization. A candidate may not use an endorsement unless the endorser has expressly authorized its use. The communication must clearly and conspicuously state that the endorsement has been authorized. If applicable, the communication must also satisfy the requirements of section 1014.

3. Civil forfeiture. A candidate who uses an endorsement without the authorization of the endorser violates this section and is subject to a civil forfeiture of no more than \$200.

4. Enforcement. The full amount of the forfeiture is due within 30 days of the commission's determination that an endorsement has been used without the endorser's authorization. The commission

is authorized to use all necessary powers to collect the forfeiture. If the full amount of the forfeiture is not collected within the 30 days after the commission has determined that a violation of this section has occurred, the commission shall report to the Attorney General the name of the person who has failed to pay. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the forfeiture. This action must be brought in the Superior Court for the County of Kennebec or the District Court, 7th District, Division of Southern Kennebec.

See title page for effective date.

CHAPTER 44

H.P. 129 - L.D. 177

An Act to Clarify the Financial Assurance Provisions Applicable to Solid Waste Disposal Facilities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. **38 MRSA §1310-Y, first ¶,** as enacted by PL 1993, c. 378, §9, is amended to read:

An owner or operator of a solid waste disposal facility licensed under section 1310-N shall provide the department assurance of its financial ability to satisfy the estimated cost of corrective action for known releases from the facility and its financial capacity to satisfy the estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules. This section does not apply to a municipally owned or operated solid waste disposal facility that accepts exclusively special waste, construction and demolition debris, land-clearing debris or any combination of those types of waste.

See title page for effective date.

CHAPTER 45

S.P. 123 - L.D. 298

An Act to Extend the Return Period for Judgment Executions

Be it enacted by the People of the State of Maine as follows:

Sec. 1. **14 MRSA §4651,** as amended by PL 1987, c. 184, §22, is further amended to read:

§4651. Issue and return

Executions may be issued on a judgment of the Superior Court or the District Court after the judgment has become final by the expiration of the time for appeal, by dismissal of an appeal or on certificate of decision from the law court, unless the court has pursuant to rule ordered execution at an earlier time, and ~~shall be~~ are returnable within ~~one year~~ 3 years after issuance.

See title page for effective date.

CHAPTER 46

H.P. 239 - L.D. 341

An Act to Allow Restaurants to Sell Liquor on Sunday Mornings

Be it enacted by the People of the State of Maine as follows:

Sec. 1. **28-A MRSA §4, sub-§1, ¶A,** as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 12 noon. A Class A restaurant or a Class A restaurant/lounge may commence selling liquor on Sunday at 9 a.m.

See title page for effective date.

CHAPTER 47

S.P. 206 - L.D. 549

An Act to Give the State a Right to Appeal from the Denial of a Rule 35 Motion

Be it enacted by the People of the State of Maine as follows:

Sec. 1. **15 MRSA §2115-A, sub-§2-B** is enacted to read:

2-B. Appeal from the denial of a Rule 35 motion. If a motion for correction or reduction of a sentence brought by the attorney for the State under Rule 35 of the Maine Rules of Criminal Procedure is denied in whole or in part, an appeal may be taken by the State from the adverse order of the trial court to the Law Court.